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10/517,921

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NXP, B.V.

NXP INTELLECTUAL PROPERTY DEPARTMENT

M/S41-SJ

1109 MCKAY DRIVE

SAN JOSE, CA 95131

EXAMINER

CHEN, JUNPENG

ART UNIT

PAPER NUMBER

2618

NOTIFICATION DATE

DELIVERY MODE

06/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/517,921 | <b>Applicant(s)</b><br>BREKELMANS, JOHANNES<br>HUBERTUS ANTONIUS |  |
|                              | <b>Examiner</b><br>JUNPENG CHEN      | <b>Art Unit</b><br>2618  |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment/arguments filed on 03/13/2008. Claims 1-11 have been cancelled. Claims 12-22 have been added. Currently, claims 12-22 are pending. **This action is made FINAL.**

### ***Response to Arguments***

2. Applicant's arguments filed 03/13/2008 have been fully considered but they are not persuasive.

Regarding claims 1-11, Applicant argues that Englmeier does not disclose the claimed "identifier". The Examiner respectfully disagrees. Englmeier discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

The combination of Badger and Englmeier discloses all of the claimed limitations in the previous set of claims, therefore, the art rejection maintains.

### ***Response to Amendments***

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 12-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Badger (U.S. Patent No. 5,678,211)** in view of **Englmeier (U.S. Patent 7,119,834 B2)**.

Consider **claim 12**, Badger shows and discloses a receiver comprising a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1), at least one database field in a database (read as an inherently existing memory that provides DATA IN to PROM 42, Fig. 1, lines 37-54 of column 2) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the digital trimming signal for turning the filter 14 is from bus line 48, which is connected to the inherently existing memory that provides DATA IN and is outside of the receiver, lines 37-54 of column 2).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system to the receiver and is used to update a look up table (LUT) that associated with the tracking filter. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 13, as applied to claim 12 above**, Badger, as modified by Englmeier, furthers shows and discloses a receiver, characterized in that the receiver comprises a receiver memory (read as PROM 42, lines 38-54 of column 2, Fig. 2) located outside the tuner for storing the calibration signal (read as digital trimming signal used by DAC 32 to find VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which digital trimming signal is from the data stored in PROM 42, lines 22-54 of column 2, Fig. 1), with the tuner comprising a tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) coupled to the receiver memory for receiving the calibration signal.

Consider **claim 14, as applied to claim 13 above**, Badger, as modified by Englmeier, discloses wherein said database is coupled to a network, with said receiver being coupled to said network (read as the receiver and network above).

Consider **claim 15, as applied to claim 13 above**, Badger, as modified by Englmeier, furthers shows and discloses a receiver, characterized in that the calibration signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming control signal, lines 47-53 of column 2), with the receiver comprising a digital-to-analog converter (read as DAC 32, Fig. 1) for converting the digital calibration signal into an analog calibration signal (read

as DAC 32 uses digital trimming signal to determine VC14, lines 22-37 of column 2, Fig. 1).

Consider **claim 16, as applied to claim 15 above**, Badger, as modified by Englimeier, furthers shows and discloses a receiver, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 17**, Badger shows and discloses a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) comprising at least one electronically tuned filter (read as filter 14, lines 3-16 of column 2, Fig. 1) for use in a receiver comprising the tuner (read as the tuning section 10, Figure 1), at least one database field in a database (read as an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1) situated outside the receiver for storing at least one calibration signal for calibrating the electronically tuned filter (read as the inherently existing memory that provides DATA IN is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16- 54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englimeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide

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calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 18, as applied to claim 17 above**, Badger, as modified by Englmeier, furthers shows and discloses a tuner, characterized in that the tuner comprises a tuner bus (read as wire connection between DAC 32 and microprocessor that connects to PROM 42, Fig. 1) be coupled to a receiver memory (read as PROM 42, lines 47-53 of column 2, Fig. 1) for receiving the calibration signal stored in the receiver memory (read as DAC 32 obtains corresponding digital trimming signal from PROM 42, which stores DATA IN from an inherently existing memory that provides DATA IN, lines 23-53 of column 2, Fig. 1).

Consider **claim 19, as applied to claim 18 above**, Badger, as modified by Englmeier, furthers shows and discloses a tuner, characterized in that the calibration



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signal stored in the database and/or in the receiver memory (read as PROM 42, Fig. 1) is a digital calibration signal (read as digital trimming signal, lines 22-53, column 2), with the receiver comprising a digital-to-analog converter for converting the digital calibration signal into an analog calibration signal (read as DAC 32 converts digital trimming signal into VC14, lines 17-53, column 2, Fig. 1).

Consider **claim 20, as applied to claim 19 above**, Badger, as modified by Englmeier, furthers shows and discloses a tuner, characterized in that the tuner comprises the digital-to-analog converter (read as DAC 32, Fig. 1) located between the tuner bus (read as the wire connection between DAC 32 and microprocessor 40 that connects to PROM 42, Fig. 1) and the electronically tuned filter (read as filter 14, Fig. 1).

Consider **claim 21**, Badger shows and discloses a method for electronically tuning at least one electronically tuned filter (read as filter 14 is being tuned by VC14 from DAC 32, which uses trimming signal from PROM 42) in a tuner (read as tuner section 10 connected to DAC and combiner units 32, 34 and 36, lines 3-16 of column 2, Fig. 1) in a receiver, characterized in that at least one database field in a database situated outside the receiver and of downloading at least one calibration signal from the database field for calibrating the electronically tuned filter (read as PROM 32 obtains DATA IN from an inherently existing memory is outside of the receiver and the DATA IN is digital trimming signal, which used by DAC32 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), lines 16 and 54 of column 2, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Consider **claim 22**, Badger shows and discloses a method comprising:  
providing tuners that comprise at least one electronically tunable filter and at least one database field in a database situated outside the tuner (read as DAC 32 obtains corresponding digital trimming signal from PROM 42 to determine VC14 (VC14 in column 2 is the same as VC32 in Fig.1), which PROM 42 stores digital trimming that is from an inherently existing memory that is outside of the tuner, lines 23-53 of column 2, Fig. 1);

and operating the database that comprises the database fields for storing calibration signals for calibrating the electronically tunable filters (read as digital trimming signal is stored into a inherently existing memory, this memory provides digital trimming signal to DAC 32 through PROM 32 and microprocessor 40 to determine VC14 to turn filter 14, Fig. 1).

However, Badger discloses the above claimed invention but does not specifically disclose that the tuner comprises at least one identifier for identifying the database field.

Nonetheless, in related art, Englmeier discloses a receiver and system calibration system and method, comprising a tracking filter operates to provide calibration in responsive to a calibration signal, the calibration signal is communicated through the network from a centralized system and is used to update a look up table (LUT) that associated with the tracking filter. Englmeier further discloses an feedback provided through an already established return path (read as the claimed identifier), which has been deployed for billing (e.g., pay per view) or other uses, such feedback is utilized to confirm calibration operation, provide calibration data to a centralized database, for system diagnoses, or other purpose, lines 58-62 of col. 2, line 64 of col. 8 to line 3 of col. 8.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to incorporate the teachings of Englmeier into the teachings of Badger for the purpose updating the calibrating parameters of the tracking filter as necessary.

Badger, as modified by Englmeier, discloses the method above but fails to mention a method of “selling”. However, it is examiner’s contention that since the limitation are taught by Badger, the “selling” method in the preamble is taught as well.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen  
J.C./jc

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618